

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KATHY MOREE

V.

CITY OF SHERMAN, TEXAS

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CASE NO. 4:11-cv-11  
(Judge Schneider/Judge Mazzant)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 6, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant City of Sherman, Texas' Rule 12(b)(1) or, alternatively, 12(b)(6) Motion to Dismiss (Dkt. #8) should be DENIED.

The Court, having made a *de novo* review of the objections raised by Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant City of Sherman, Texas' Rule 12(b)(1) or, alternatively, 12(b)(6) Motion to Dismiss (Dkt. #8) is DENIED.

**It is SO ORDERED.**

**SIGNED this 25th day of April, 2011.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE